

SCOTTSDALE

# CITY COUNCIL MEETING

\*\*\* AMENDED \*\*\* MEETING NOTICE AND AGENDA

(ADDED CONSENT AGENDA ITEM NOS. 10A AND 10B)



## COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, September 23, 2008

**5:00 P.M.**

**CITY COUNCIL MEETING**

**MARKED AGENDA**

**Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – 5:06 PM**

**Roll Call – ALL PRESENT**

**Pledge of Allegiance – BOY SCOUT TROOP NO. 147**

**Invocation – PASTOR RAY BARTON, SCOTTSDALE BIBLE CHURCH**

**City Manager's Report – MR. LITTLE ANNOUNCED THAT CITIZENS CAN RECEIVE FREE CONSULTATION ON XERISCAPING, GREEN BUILDING, AND HOME ENERGY AUDITS ON OCTOBER 25 FROM 8:30 A.M. TO 2:30 P.M. AT THE GRANITE REEF SENIOR CENTER. HE THANKED CITY EMPLOYEES FOR CONTRIBUTING TO THE VISTA DEL CAMINO FOOD DRIVE. THERE WILL BE PUBLIC MEETINGS ON SEPTEMBER 24 AND 25 TO DISCUSS GENERAL PURPOSE LANES ON LOOP 101 BETWEEN PRINCESS DRIVE AND LOOP 202. THE POLICE DEPARTMENT WILL BE HOSTING STRATEGIC PLAN MEETINGS ON SEPTEMBER 29 AND 30 TO GATHER RESIDENT INPUT ON NEIGHBORHOOD SAFETY AND SECURITY MEASURES AND COMMUNITY CONCERNS. GREATER AIRPARK FOCUS GROUPS WILL MEET ON SEPTEMBER 25<sup>TH</sup> TO DISCUSS LAND USE ISSUES, TRANSPORTATION, MOBILITY, CIRCULATION, AND ECONOMIC DEVELOPMENT. HE INVITED RESIDENTS, BUSINESS, AND PROPERTY OWNERS SOUTH OF INDIAN BEND ROAD TO PARTICIPATE IN CONTINUING SOUTHERN AREA PLANNING EFFORTS. CITY STAFF WILL HELP NEIGHBORHOODS CELEBRATE G.A.I.N. EVENTS ON SATURDAY, OCTOBER 4, FROM 4 PM TO 8 PM**

**Presentations/Information Updates**

**Approval of Minutes**

**- OK – 7/0**

REGULAR MEETINGS

SPECIAL MEETINGS

August 18, 2008

4:00 PM, August 26, 2008

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

August 26, 2008

5:00 PM, August 26, 2008

**Public Comment – NONE**

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

# CONSENT AGENDA

## ITEMS 1-10B

Tuesday, September 23, 2008

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**How the Consent Agenda Works:** The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Request to Speak card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Pinatas Mexican Restaurant Liquor License (69-LL-2008) – APPROVED ON CONSENT**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an acquisition of control change for an existing series 12 (restaurant) liquor license.  
**Location:** 20343 N. Hayden Road, Suite 120  
**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusía Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)
2. **Scottsdale Cottonwoods Resort Liquor License (70-LL-2008) – APPROVED ON CONSENT**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 11 (hotel/motel) liquor license for an existing location with a new owner.  
**Location:** 6160 N. Scottsdale Road  
**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusía Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)
3. **Blanco Tacos and Tequila Liquor License (71-LL-2008) – APPROVED ON CONSENT**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.  
**Location:** 6166 N. Scottsdale Road, Suite 601  
**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusía Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)
4. **Roka Akor Permanent Extension of Premises (30-EX-2008) – APPROVED ON CONSENT**  
**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Roka Akor.  
**Location:** 7299 N. Scottsdale Road  
**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusía Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

# CONSENT AGENDA

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## 5. **SGA Heliport (5-UP-2008)** – APPROVED ON CONSENT

### Requests:

1. Approve a Conditional Use Permit for a heliport to be established at the existing aircraft staging area.
2. Adopt **Resolution No. 7711** affirming the Conditional Use Permit and finding the conditional use permit criteria have been met.

**Location:** 15555 N. 78<sup>th</sup> Street

**Related Policies, References:** 53-DR-2006

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusía Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

## 6. **Windmill Plaza Revitalization Abandonment (16-AB-2006#2)** –APPROVED ON CONSENT

### Requests:

1. Abandon 10 feet of the 20-foot public right-of-way/service alley north of, and adjacent to, East Gold Dust Avenue within the Paradise Valley Plaza, also known as Windmill Plaza.
2. Adopt **Resolution No. 7710** vacating and abandoning public rights-of-way.

**Location:** 10201 N. Scottsdale Road

### Related Policies, References:

- 575-08, Building plan for water/sewer line extension currently under review
- 16-AB-2006
- 51-DR-2006
- 51-DR-2006#2

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusía Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

## 7. **DC Ranch Parcel 4.15 Replat (13-PP-1997#2)** – APPROVED ON CONSENT

**Request:** Approve a replat for DC Ranch Parcel 4.15 to combine lots and adjust property lines.

**Location:** DC Ranch Parcel 4.15, north of Thompson Peak Parkway and east of Desert Camp Drive

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusía Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

## 8. **Acceptance of Funds for Construction of a New Playground at Paiute Neighborhood Center** – APPROVED ON CONSENT

### Requests:

1. Adopt **Resolution No. 7723** authorizing the City to accept \$25,000 from Partners for Paiute to support the funding of a new playground at Paiute Neighborhood Center.
2. Authorize the transfer of \$25,000 in the Future Grants budget adopted for FY 2008/09 to the center assigned to record all the grant activity.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov); Paul Ludwick, Human Services Director, 480-312-2598, [pludwick@scottsdaleaz.gov](mailto:pludwick@scottsdaleaz.gov)

# CONSENT AGENDA

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9. **Arizona Criminal Justice Commission Full-Service Crime Laboratory Program Grant – APPROVED ON CONSENT**

**Requests:**

1. Adopt **Resolution No. 7685** approving Contract No. 2008-139-COS and accepting a Full-Service Forensic Crime Laboratory Grant in the amount of \$132,000 to: (a) purchase consulting services to assist the staff of the Police Department Crime Laboratory in preparing for ASCLD/LAB-International ISO accreditation, and (b) make area improvements to the new Police Operational Support Building to develop a forensic specific training room.
2. Authorize the transfer of \$132,000 in the Future Grants Budget adopted for FY 2008/09 to the assigned grant center established to record the grant activity. There are no City cost-sharing requirements.

**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)

10. **Right-of-Way Rental Agreement Renewal with the Arizona State Land Department for an Existing Water Transmission Main along the Union Hills Road Alignment – APPROVED ON CONSENT**

**Request:** Adopt **Resolution No. 7457** authorizing Right-of-Way Rental Agreement No. 2008-006-COS, a ten-year renewal of a rental agreement with the Arizona State Land Department for a right-of-way used for a water transmission main, at a total cost of \$1,460,813.

**Related Policies, References:**

- On May 19, 1997, Council authorized Construction Bid Award 97-92 to construct a raw water transmission main from the CAP Canal at Hayden Road to the CAP Water Treatment Plant.
- On November 19, 2002, Council approved Development Agreement No. 2002-141-COS with the Arizona State Land Department.

**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

\*\*\*10A. **Non-Chartered Financial Institutions Text Amendment (828-PA-2008) – APPROVED ON CONSENT**

**Request:** Initiate a text amendment to Article I Administration and Procedures, Article III Definitions, and Article V District Regulations of the City of Scottsdale Zoning Ordinance, to define and establish criteria for non-chartered financial institutions, commonly known as “check cashing” or “payday loan” establishments.

**Related Policies, References:** Zoning Ordinance

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusía Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

\*\*\*10B. **Legal Expenses for Scottsdale Perimeter I, LLC vs. City of Scottsdale – APPROVED ON CONSENT**

**Request:** Adopt **Resolution No. 7741** authorizing the Mayor to enter into Contract No. 2008-155-COS with Holloway, Odegard, Forrest & Kelly, P.C., for an amount not to exceed \$150,000 for the defense of *Scottsdale Perimeter I, LLC v. City of Scottsdale*, Maricopa County Superior Case No. CV2004-019183.

**Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, [drobberson@scottsdaleaz.gov](mailto:drobberson@scottsdaleaz.gov)

**Regular Agenda begins on the following page**

**How the Regular Agenda Works:** The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time may be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

11. **Mescal Park Trail – MOTION TO DIRECT STAFF TO FOCUS ON THE PUBLIC UTILITY EASEMENT AS THE PRIMARY OPTION AND PROVIDE INFORMATION TO THE COUNCIL PRIOR TO THE END OF THE YEAR ON ISSUES INCLUDING: RESIDENTIAL PRIVACY, IMPACTS ON TRAIL USERS, OPTIONS AND COSTS ASSOCIATED WITH TRAIL MAINTENANCE, COSTS ASSOCIATED WITH ACQUISITION OF LAND, DESIGN STANDARDS, EQUESTRIAN TRAIL DESIGNATION, AND TRAILS AD HOC TASK FORCE COMMITTEE RECOMMENDATIONS ON OVERALL CITY TRAIL PRIORITIES – OK – 7/0**

**Request:** Presentation by staff of information regarding neighborhood trail status, including recommendations from the Ad Hoc Citizen Trails Task Force, and consideration and possible direction concerning options for Mescal Park neighborhood trail implementation.

**Staff Contact(s):** Mary O'Connor, Transportation General Manager, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov)

12. **Amendment to the Rose Garden Development Agreement – MOTION TO APPROVE – OK – 6/1 (RL)**

**Request:** Adopt **Resolution No. 7727** authorizing Agreement No. 2005-121-COS-A3, a first amendment to the Amended and Restated Development Agreement between the City and Rose Garden, LLC relating to the development of the City-owned Rose Garden parking lot at the northwest corner of Goldwater Boulevard and 5<sup>th</sup> Avenue and adjacent developer-owned property along 5<sup>th</sup> Avenue and the Canal.

**Related Policies, References:**

- On July 10, 2007, Council approved Resolution No. 7310 for an amended and restated Development Agreement allowing three phases for the project for financing.
- On May 15, 2006, Council approved Resolution No. 6901 for an amendment to the Development Agreement incorporating additional property and a garage design change.
- On July 5, 2005, Council approved Resolution No. 6699 and the original Rose Garden Development Agreement No. 2005-121-COS.
- On March 8, 2005, Council authorized entering into an Exclusive Right to Negotiate period with Rose Garden Partners LLC.
- On April 5, 2004, Council approved authorization to issue RFPs for possible development of four downtown parking lots.
- Downtown Vision Principles, adopted February 2002.

**Staff Contact(s):** Harold Stewart, Acting Economic Vitality Manager, 480-312-2311, [hstewart@scottsdaleaz.gov](mailto:hstewart@scottsdaleaz.gov)

**Mayor and Council Items begin on the following page**

**13. Citizen Petition Requesting the Exclusion of the Mayor from Future Participation and/or Discussion in Hualapai LLC Litigation or Settlement Activities – MOTION TO TAKE NO ACTION – OK – 6/1 (JL)**

**Request:** Consideration of, and possible action on, a citizen petition as provided for by the City Charter, asking the City Council to adopt a resolution excluding Mayor Manross from any future participation in and any further discussion about the Hualapai LLC litigation or settlement activities. The petition was provided to the Council at the August 26, 2008 City Council meeting by Mr. John Washington.

**Related Policies, References:** City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”

**Staff Contact(s):** John C. Little, Acting City Manager, 480-312-2811, [jlittle@scottsdaleaz.gov](mailto:jlittle@scottsdaleaz.gov)

**Boards, Commissions, and Task Force Nominations**

**How the Board and Commission Nomination Process Works:** The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select several nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination.

**14. Boards, Commissions, and Task Force Nominations  
(Note: Interviews and appointments scheduled for October 14, 2008)**

Airport Advisory Board (1) – **BO CALBERT, RUSSELL KOLSRUD, BILL LUKENBILL**

Environmental Quality Advisory Board (2 Scientific, 2 Non-Scientific) – **NANCY BASINGER, THOMAS DWYER, JIMMY LEUNG JAMES MULLOY**

Historic Preservation Commission (1 Architect) – **LISA CAVERA, DAVID KLATCH, LEONARD MARICZ**

Industrial Development Authority (1) – **JON MUSIAL**

Judicial Appointments Advisory Board (1 Court Representative, 1 Citizen Representative, 1 State Bar Representative) – **JOHN COREY JOHN REA, PAUL RYBARSYK, FRANCIS SCANLON**

Library Board (2) – **GRETA KNAPP, PAUL LISON, CAROL PADWE**

Loss Trust Fund Board (1) – **DEAN COUGHENOUR**

McDowell Sonoran Preserve Commission (1) – **DEFOREST JORALMON, HOWARD MEYERS, WALI NAIBI**

Neighborhood Enhancement Commission (2) – **MATT KALINA, AARON KERN**

Parks and Recreation Commission (2) – **ROBERT FROST, STAN KOCZKA, JACK LYNCH**

Tourism Development Commission (1 Hotelier) – **NONE**

**Public Comment – JOHN WASHINGTON EXPRESSED CONCERN REGARDING PUBLIC COMMENT CARDS AND PROCESS AND DISAPPOINTMENT WITH THE COUNCIL’S RECENT MAJORITY VOTE TO DENY THE POTENTIAL RELOCATION OF A SRP SUBSTATION**

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**Mayor and Council Items – COUNCILMAN NELSEN REQUESTED INFORMATION ON EQUESTRIAN RIGHT-OF-WAY ISSUES, AND SUGGESTED POSSIBLE PLACEMENT OF THE ITEM ON A FUTURE AGENDA**

**Adjournment – 9:35 PM**